

Court of Appeals, State of Michigan

ORDER

People of MI v Todd Thomas Small

Docket No. 352306

LC No. 19-045937 FH

Stephen L. Borrello
Presiding Judge

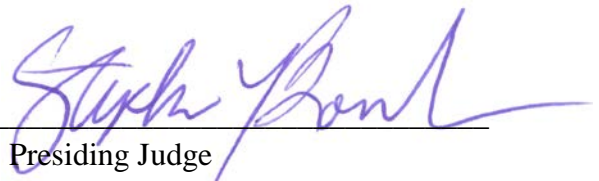
Michael J. Kelly

Brock A. Swartzle
Judges

The Court orders that the motion to remand is GRANTED. This case is REMANDED to the trial court to allow defendant to file a motion for a new trial based on the claim of ineffective assistance of counsel specified in the motion to remand, admission of a recording of a police interview with defendant into the record, and, in the trial court's discretion, for an evidentiary hearing based on defendant's motion. Proceedings on remand are limited to the issue raised in the motion to remand. This Court retains jurisdiction.

Defendant shall initiate the proceedings on remand within 14 days of the date of this order. The time for further proceedings in this appeal shall begin to run on the issuance of an order in the trial court that concludes the remand proceedings. However, if defendant fails to file a motion to initiate the proceedings within the time provided, the time for further proceedings in this appeal shall begin to run at the conclusion of that 14-day period. Defendant shall file with this Court a copy of any motion and supporting brief filed in the trial court, and defendant shall file a copy of any order entered within 14 days after entry.

The trial court shall hear and decide the matter within 56 days of the date of this order and shall make an appropriate determination on the record. The trial court shall cause a transcript of any proceedings on remand to be prepared at public expense and filed within 21 days after completion of the proceedings. Defendant may file a supplemental brief within 21 days after the court's decision or the filing of the transcript of the proceedings, whichever occurs later.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

December 14, 2020
Date


Chief Clerk